

Appln No. 10/762,088
Amdt date May 30, 2006
Reply to Office action of January 31, 2006

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1, 3 and 4 are now in the application. Claims 2, 5 and 6 have been cancelled. Claims 1, 3 and 4 have been amended.

The Examiner has rejected Claims 1, 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner states that the claims are considered to be single means claims [and] thus indefinite as to what exactly is being claimed by the Applicants.

The Applicants have amended Claim 1 to call for (underlining added for emphasis) ... An FM-CW radar apparatus comprising: a traveling wave antenna as a transmitting antenna, and a means for varying the frequency of transmitted waves radiated from said traveling wave antenna ...

Accordingly, the Applicants submit that Claims 1, 3 and 4 particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Examiner has rejected Claims 1 - 6 under 35 U.S.C. §102(b) as being anticipated by Shirai ('308). The Examiner has also rejected under 35 U.S.C. §102(a) as being anticipated by Asanuma et al. ('082), or Ono ('523), or Nakanishi et al. ('282), or Japanese Patent JP2000009841 to Okuwa et al. [Note: the Applicants believe that JP2000009841 was mis-typed and should be JP2000009831.]

The Applicants' amended Claim 1 calls for (underlining added for emphasis) ... a traveling wave antenna as a transmitting antenna, and a means for varying the frequency of transmitted waves radiated from said traveling wave antenna, wherein the projection tilt angle of a combined beam pattern of the transmitted waves is varied in upward/downward directions by varying the frequency of the transmitted waves radiated from said traveling wave antenna.

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As such, the Applicants submit that Claim 1 is not anticipated by Shirai under 35 U.S.C. §102(b), nor is it anticipated by Asanuma et al., Ono, Nakanishi et al., or Okuwa et al. under 35 U.S.C. §102(a).

Shirai, Asanuma et al., Ono, and Nakanishi et al., while providing radar systems involving antenna scan in either upward or downward directions, and Okuwa et al., while providing for antenna scanning involving a phase shifter, do not describe, teach or suggest a traveling wave antenna as a transmitting antenna and a means for varying the frequency of transmitted waves radiated from the traveling wave antenna, wherein the projection tilt angle of a combined beam pattern of the transmitted waves is varied in upward/downward directions by varying the frequency of the transmitted waves radiated from the traveling wave antenna.

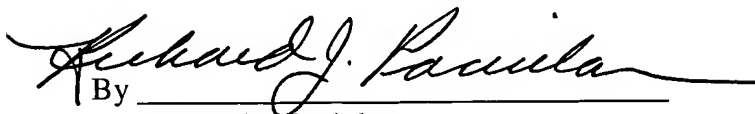
Accordingly, the Applicants submit that Claim 1 is not anticipated by Shirai under 35 U.S.C. §102(b) nor is it anticipated by Asanuma et al., Ono, Nakanishi et al., or Okuwa et al. under 35 U.S.C. §102(a).

Claims 3 and 4 are dependent on Claim 1. As such, these claims are believed allowable based upon Claim 1.

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and allowance of the claims in the above Application is requested.

Respectfully submitted,

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